

EXHIBIT "A"

NO. D-1-GN-11-000096

CAROLINE CLARK,
Plaintiff,

V.

AUSTIN MONTESSORI SCHOOL, INC.,
Defendant.

§ IN THE DISTRICT COURT
§
§
§ 419th JUDICIAL DISTRICT
§
§
§ OF TRAVIS COUNTY, TEXAS
§

PLAINTIFF'S FIRST AMENDED PETITION

COMES NOW Plaintiff, Caroline Clark ("Clark" or "Plaintiff") and files this First Amended Petition against Defendant Austin Montessori School, Inc. ("AMS" or "Defendant"), and respectfully shows this Court as follows:

I.

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure.
2. Plaintiff Caroline Clark is an individual residing in Dallas, Dallas County, Texas. At the time of the events giving rise to this suit, Plaintiff was an employee and an eligible employee within the meaning of 29 U.S.C. § 2611(2),(3).
3. Defendant Austin Montessori School, Inc. is a corporation with its principal place of business in the State of Texas. This Defendant has been served and has answered. Defendant is an employer within the meaning of 29 U.S.C. § 2611(4).
4. This Court has subject matter jurisdiction because Plaintiff's damages are in excess of the minimal jurisdictional limits of the Court.
5. Venue is proper in Travis County, Texas because it is the County in which all or a substantial part of the events or omissions giving rise to Plaintiff's claims occurred. TEX. CIV. PRAC. & REM. CODE § 15.002.

II.
FACTUAL BACKGROUND

6. Plaintiff worked for Defendant as a teacher from 2003 to 2005 and again beginning in or about August 2008. In or around the end of February or early March 2010, Plaintiff informed school administrators that she was pregnant. Subsequently Defendant asked Plaintiff about her plans for leave and informed her that she would not be allowed to return to her teaching position in the fall. Defendant's refusal to continue Plaintiff's employment in the role of teacher is a violation of TEX. LAB. CODE § 21.051, as well as the prescriptive and proscriptive obligations due to her pursuant to the Family and Medical Leave Act, 29 U.S.C. § 2612 *et seq.*, and specifically, 29 U.S.C. §§ 2612(a), 2614(a), and 2615 thereof.

III.
CAUSE OF ACTION

7. Plaintiff adopts and incorporates herein by reference all preceding paragraphs.

8. Plaintiff brings this action on the basis that she was discriminated against on the basis of her sex (pregnancy) in violation of TEX. LAB. CODE § 21.051.

9. Plaintiff also brings this action on the basis of Defendant's violation of the Family and Medical Leave Act, 29 U.S.C. § 2612 *et seq.*, and specifically, 29 U.S.C. § 2612(a), 2614(a), and 2615.

IV.
CONDITIONS PRECEDENT

10. All conditions precedent to Plaintiff's claim for relief have been performed or have occurred. Plaintiff has exhausted all administrative remedies by filing a complaint with the Texas Workforce Commission, receiving a right to sue letter from the Texas Workforce Commission, and filing suit within 60 days of receipt of that letter.

V.
DEMAND FOR JURY TRIAL

11. Plaintiff demands a jury trial and has tendered the appropriate fee with her original petition.

VI.
DAMAGES

12. As a result of the above mentioned facts, Plaintiff has suffered damages in an amount in excess of the minimum jurisdictional limits of the Court.

13. Plaintiff demands judgment in her favor and requests the following relief against the Defendant:

- a. All actual damages, including but not limited to past and future lost wages, past and future lost benefits, including front pay and back pay;
- b. Compensatory damages;
- c. Liquidated damages as allowed under the FMLA;
- d. Punitive damages;
- e. Pre-judgment and post-judgment interest as allowed by law;
- f. Attorneys' fees and expert fees;
- g. Court costs and expenses;
- h. Equitable relief, including front pay and back pay;
- i. Any such further relief as the Court deems proper and just under the circumstances.

VIII.
PRAYER

15. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein, and that upon trial by a jury or this Court, Plaintiff be granted

judgment against Defendant as requested herein, and for such other and further relief, both general and special, at law and in equity, to which Plaintiff may be shown justly entitled.

Respectfully submitted,

THE COOK LAW FIRM



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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of December 2011, I sent by facsimile a true and correct copy of the above and foregoing document to counsel as follows:

Stephanie O'Rourke
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Via Facsimile



Melissa A. Jacobs